

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

FEE APPLICATION COVER SHEET

Case Name and Number:

Craig A. Foster *aka* Dr. Craig A. Foster and Blake P. Foster Case No. 23-35471 (CGM)

CASE FILED: June 7, 2023

CHAPTER: 13

APPLICANT: KIRBY AISNER & CURLEY LLP

ROLE IN CASE: Attorneys for the Debtors

COMPLETION OF THIS FORM CONSTITUTES A CERTIFICATION
UNDER PENALTY OF PURJURY.

<u>/s/ Dawn Kirby</u>	<u>05/ /2024</u>
SIGNATURE OF APPLICANT	DATE

SECTION I
FEE SUMMARY

TOTAL PREVIOUS FEES & COSTS REQUESTED:	\$ 0.00
TOTAL FEES & COSTS ALLOWED TO DATE:	\$ 0.00
TOTAL RETAINER (IF APPLICABLE)	\$ 6,840.00
TOTAL HOLDBACK (IF APPLICABLE)	\$ 0.00
TOTAL INTERIM PAYMENTS RECEIVED BY APPLICANT	\$ 0.00
TOTAL RECEIVED BY APPLICANT	\$ 6,840.00

PROFESSIONAL SERVICES SUMMARY

NAME OF PROFESSIONAL & TITLE		RATE	HOURS	FEE
Dawn Kirby	Partner	\$350	2.2	\$ 770.00
Jessica Hill	Associate	\$295	43.1	\$ 12,714.50
Bryn Leonardo	Paralegal	\$150	2.6	\$ 390.00
Donna Fraioli	Paralegal	\$150	1.7	\$ 225
		TOTAL	49.6	\$ 14,129.50

COMPENSATION BY WORK TASK

<u>TASK CODE</u>	<u>DESCRIPTION</u>	<u>HOURS</u>	<u>FEE</u>
00	Excluded Services	49.6	\$14,129.50
		<u>TOTAL</u>	<u>49.6</u> <u>\$14,129.50</u>

APPLICATION FEE TOTALS - Page 2	\$ 14,129.50
APPLICATION DISBURSEMENT TOTALS - Page 3	\$ 99.46
BLENDED HOURLY RATE** :	\$ 284.87

SECTION II
SECTION OF DISBURSEMENTS

DISBURSEMENTS		AMOUNT
a)	Online Access of Court Records	\$ 14.60
b)	Postage	\$ 45.46
c)	Photocopies	\$ 28.40
d)	Certified Order	\$ 11.00
DISBURSEMENT TOTAL:		<u>\$ 99.46</u>

SECTION III
CASE HISTORY

- (1) DATE CASE FILED: June 7, 2023
- (2) CHAPTER UNDER WHICH CASE WAS COMMENCED: Chapter 13
- (3) DATE OF RETENTION: *Nunc pro tunc* as of the June 7, 2023
- (4) PRIOR APPLICATION HISTORY –
 - a. None

SECTION IV
BREAKDOWN OF CASE MATTERS

See Attached

Kirby Aisner Curley LLP

Time Runs by Date

Date	User	Description	Quantity	Price	Total
7/21/2023	Jessica Hill	Review Land Records & Obtain Copies of Liens & Recording Information (0.3); Draft 522(f) Motion (1.1), Proposed Order (0.3) and NOH (0.2); Compile Service List & Draft COS (0.3); Compile Exhibits (0.5); Conform, Compile & File Motion (0.4); Supervise Service of Same (0.1)	3.2	\$ 295.00	\$ 944.00
7/21/2023	Bryn Leonardo	Effectuate Service re: Notice of Hearing of Debtors Motion for an Order Avoiding a Certain Judgment Lien of Brett Langbert Impairing Debtors Exemptions pursuant to 11 U.S.C. § 522(f) and for Declaratory Relief together with Debtors Motion, Proposed Order and related Exhibits thereto	0.6	\$ 150.00	\$ 90.00
7/21/2023	Bryn Leonardo	Efile Certificate of Service re: Notice of Hearing of Debtors Motion for an Order Avoiding a Certain Judgment Lien of Brett Langbert Impairing Debtors Exemptions pursuant to 11 U.S.C. § 522(f) and for Declaratory Relief together with Debtors Motion, Proposed Order and related Exhibits thereto	0.2	\$ 150.00	\$ 30.00
7/25/2023	Jessica Hill	Review Objection to Confirmation filed by NYC Board	0.2	\$ 295.00	\$ 59.00
8/21/2023	Jessica Hill	Prepare for Tomorrow's Hearings (0.5); Email to Client re: DE Course Requirement (0.1)	0.6	\$ 295.00	\$ 177.00
8/22/2023	Jessica Hill	Participate in Hearings on Confirmation and Motion to Avoid Judgment Liens [9:30-10:13] (0.6); Conform and Submit Order Granting 522f Motion to Court for Entry (0.2)	0.8	\$ 295.00	\$ 236.00
8/23/2023	Jessica Hill	Review 522f Order Entered by Court and Email to Client re: Same; Compile Service List and Supervise Service of Same	0.4	\$ 295.00	\$ 118.00
8/23/2023	Bryn Leonardo	Serve Order Granting Debtors Motion for an Order Avoiding a Certain Judgment Lien of Brett Langbert Impairing Debtors Exemptions pursuant to 11 U.S.C. § 522(f) and for Declaratory Relief	0.5	\$ 150.00	\$ 75.00

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Time Runs by Date

Date	User	Description	Quantity	Price	Total
8/23/2023	Bryn Leonardo	Finalize and Efile Certificate of Service re: Order Granting Debtors Motion for an Order Avoiding a Certain Judgment Lien of Brett Langbert Impairing Debtors Exemptions pursuant to 11 U.S.C. § 522(f) and for Declaratory Relief	0.3	\$ 150.00	\$ 45.00
9/26/2023	Jessica Hill	Draft and Transmit Letter to Clerk's Office Requesting Certified Copy of 522(f) Order	0.3	\$ 295.00	\$ 88.50
10/9/2023	Jessica Hill	TC D. Colomban (Potential Broker) re: Sale of Property	0.2	\$ 295.00	\$ 59.00
10/13/2023	Jessica Hill	Draft and Transmit Letter to Dutchess County Clerk's Office re: Recording of 522f Order; Email to Client re: Same	0.3	\$ 295.00	\$ 88.50
10/13/2023	Jessica Hill	Review Trustee's MTD and Email to Client re: Same	0.5	\$ 295.00	\$ 147.50
10/13/2023	Jessica Hill	TC Dean Colomban re: Potential Broker for Sale of House	0.1	\$ 295.00	\$ 29.50
10/16/2023	Jessica Hill	TC Blake re: Ch 7 v. Ch 13, MTD & Broker Retention	0.4	\$ 295.00	\$ 118.00
10/17/2023	Jessica Hill	[Broker Retention] Review Listing Agreement and Draft Application (0.5), Broker's Declaration in Support (0.3), Proposed Order (0.2) and NOP (0.1) for Application to Approve Retention of Skyler Realty; Email to Broker re: Same (0.1)	1.2	\$ 295.00	\$ 354.00
10/20/2023	Jessica Hill	[Broker Retention] Finalize Application to Employ RE Broker, Declaration, Proposed Order (0.4); Compile and Redact Exhibits (0.2); File Same with the Court (0.1); Compile Service List and Supervise Service of Same (0.3)	1	\$ 295.00	\$ 295.00
10/20/2023	Jessica Hill	Email to Trustee's Office re: MTD and Request for Adjournment	0.2	\$ 295.00	\$ 59.00
10/23/2023	Jessica Hill	Email to Client re: Filing of Retention Application; Review Service List with DF	0.2	\$ 295.00	\$ 59.00
10/24/2023	Donna Fraioli	Effectuate Notice of Retention and e-file COS	1.2	\$ 150.00	\$ 180.00
11/1/2023	Dawn Kirby	Call with J Hill to review motion for relief from stay, status of prooperty listing and showings, broker retention.	0.2	\$ 350.00	\$ 70.00
11/2/2023	Jessica Hill	Emails to/from Broker re: Status of Listing	0.2	\$ 295.00	\$ 59.00
11/3/2023	Jessica Hill	TC Broker re: Status of Listing	0.1	\$ 295.00	\$ 29.50
11/13/2023	Jessica Hill	TC Broker re: Status of Listing	0.1	\$ 295.00	\$ 29.50

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Time Runs by Date

Date	User	Description	Quantity	Price	Total
11/14/2023	Jessica Hill	Revise Proposed Order to Retain Skyler Realty (0.1); Email to/from Trustee's Office re: Same (0.2); Conform and Submit Order to Court for Entry (0.2)	0.5	\$ 295.00	\$ 147.50
11/17/2023	Jessica Hill	Review SLS's MRS (0.3); Draft Opposition (0.8); Compile Exhibits (0.2)	1.3	\$ 295.00	\$ 383.50
11/28/2023	Jessica Hill	[SLS's MRS] Revise Objection to MRS per Dawn's Comments (0.3); Compile Exhibits (0.1); TC Broker re: Status of Listing (0.2); Conform and File Objection with Exhibits (0.1); Compile Service List (0.3); Effectuate Service of Objection (0.4); Draft and File COS (0.2)	1.6	\$ 295.00	\$ 472.00
11/28/2023	Jessica Hill	Review & Respond to Email from RE Broker re: Status of Showings	0.1	\$ 295.00	\$ 29.50
11/30/2023	Jessica Hill	Prepare for (0.2) and Call with Blake re: MRS and Status of Case (0.7); Review MTD & Email to Trustee's Office re: MTD Outstanding Documents (0.2)	1.1	\$ 295.00	\$ 324.50
12/5/2023	Dawn Kirby	Attend hearing on motion to lift automatic stay.	1	\$ 350.00	\$ 350.00
12/6/2023	Jessica Hill	Draft Opposition to Trustee's MTD (1.1); Compile Service List (0.2)	1.3	\$ 295.00	\$ 383.50
12/7/2023	Jessica Hill	Finalize Conform and File Opposition to Trustee's MTD (0.3); Supervise Service of Same (0.1)	0.4	\$ 295.00	\$ 118.00
12/7/2023	Dawn Kirby	Review opposition to trustee's motion to dismiss and discuss content with J Hill for filing.	0.1	\$ 350.00	\$ 35.00
12/13/2023	Bryn Leonardo	Draft; Finalize and Efile re: Service of Opposition to Trustee MTD.	0.5	\$ 150.00	\$ 75.00
12/19/2023	Jessica Hill	Prepare for (0.5) and Participate in (0.6) Hearing on Confirmation, MTD & Objections to Confirmation	1.1	\$ 295.00	\$ 324.50
12/19/2023	Bryn Leonardo	Supervise Service of Opposition to Trustee MTD.	0.5	\$ 150.00	\$ 75.00
1/2/2024	Jessica Hill	TC Dean re: Status of Listing	0.2	\$ 295.00	\$ 59.00
1/3/2024	Jessica Hill	Review Traffic History sent by Realtor	0.3	\$ 295.00	\$ 88.50
1/12/2024	Jessica Hill	Review MRS Filed by Park Ave & 77th Corp and Email to Client re: Same	0.8	\$ 295.00	\$ 236.00
1/22/2024	Jessica Hill	Review BOA's Objection to Confirmation	0.2	\$ 295.00	\$ 59.00
1/22/2024	Jessica Hill	TC Client re: Status of Case and MRS	0.6	\$ 295.00	\$ 177.00
1/22/2024	Jessica Hill	TC Client re: Payment History to Gumley Haft	0.2	\$ 295.00	\$ 59.00

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Time Runs by Date

Date	User	Description	Quantity	Price	Total
1/23/2024	Jessica Hill	Draft Opposition to Gumley Haft's MRS (1.5); Compile Exhibits (0.2); Compile Service List (0.2); Revise Objection per Dawn's Comments (0.2); Conform and File Opposition with Exhibits (0.2)	2.3	\$ 295.00	\$ 678.50
1/23/2024	Donna Fraioli	Effectuate; Serve; E-File COS	0.5	\$ 150.00	\$ 75.00
1/29/2024	Jessica Hill	TC & Emails to/from Broker re: Status of Pleasant Valley Listing	0.2	\$ 295.00	\$ 59.00
1/29/2024	Jessica Hill	Review Park Ave & 77th Corp's Reply to Opposition to MRS	0.3	\$ 295.00	\$ 88.50
1/29/2024	Jessica Hill	Prepare for Tomorrow's Hearings	0.9	\$ 295.00	\$ 265.50
1/30/2024	Jessica Hill	Continue Preparing for (1.0) and Participate in (0.5) Hearings on Confirmation, Trustee's MTD, SLS's MRS, and Park Ave & 77th Corp's MRS; Email to Client re: Status of Same (0.1)	1.6	\$ 295.00	\$ 472.00
1/30/2024	Jessica Hill	Multiple EMail to/from Client re: CoOp Statements & Objections to Confirmation	0.2	\$ 295.00	\$ 59.00
2/5/2024	Jessica Hill	Review and Respond to Emails from Broker re: Listing Traffic	0.2	\$ 295.00	\$ 59.00
2/8/2024	Jessica Hill	Email to Counsel for the Co-Op board re: proof of post-petition R/E Assess fees and legal fees (0.1); TC (0.1) and multiple emails to/from Broker re: Offer on Pleasant Valley Property (0.2); Review Offer and Calculate POCs (0.4); Emails to Counsel for SLS and BOA re: Payoffs (0.2)	1	\$ 295.00	\$ 295.00
2/9/2024	Jessica Hill	Prepare for (0.2) and Call with (0.3) Counsel for Co-Op Board	0.5	\$ 295.00	\$ 147.50
2/12/2024	Jessica Hill	Review Revised Offer; Email to Client and Broker re: Same	0.2	\$ 295.00	\$ 59.00
2/12/2024	Jessica Hill	Review & Respond to Email from Counsel for Park Ave & 77th Corp re: Reapplication of Payments	0.2	\$ 295.00	\$ 59.00
2/14/2024	Jessica Hill	TC Broker (x2) re: Status of Listing/Offer (0.2)(0.1); TC Client re: Same (0.3)	0.6	\$ 295.00	\$ 177.00
2/20/2024	Dawn Kirby	CONference with J Hill regarding opposition to coop motion concerning maintenance payments, assessment, awaiting update docs from coop and re-issuance of improper bill.	0.2	\$ 350.00	\$ 70.00
2/20/2024	Jessica Hill	Multiple Emails to/from J. Wurst (Counsel for Co-Op Board) re: Status of Revised Billing/Documentation (0.2); Email to Client re: Feb Maintenance Fee (0.1)	0.3	\$ 295.00	\$ 88.50
2/20/2024	Jessica Hill	[Sale] Emails to/from Broker re: Status of Offer	0.1	\$ 295.00	\$ 29.50

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Time Runs by Date

Date	User	Description	Quantity	Price	Total
2/21/2024	Jessica Hill	Review & Respond to email from client re: Co-op payment status	0.1	\$ 295.00	\$ 29.50
2/21/2024	Jessica Hill	Review Supplemental Declaration filed by Park Ave & 77th Corp (0.5); Review & Respond to Email from J. Wurst re: Same and Proposed Repayment Term (0.3); Review Park Ave's Counsel's legal bills for reasonableness (0.3)	1.1	\$ 295.00	\$ 324.50
2/22/2024	Jessica Hill	TC B. Foster re: Co-op fees and proposed stipulation (0.4); Discuss Co-op counsel's billing and MRS with DK (0.2)	0.6	\$ 295.00	\$ 177.00
2/23/2024	Jessica Hill	Review Certificate's of Service filed by Park Ave's Counsel and Research Rule 4001 re: Same	0.4	\$ 295.00	\$ 118.00
2/26/2024	Jessica Hill	TC Broker re: Status of Offer	0.1	\$ 295.00	\$ 29.50
2/26/2024	Dawn Kirby	Conference J Hill regarding motion for relief, legal fees.	0.3	\$ 350.00	\$ 105.00
2/26/2024	Dawn Kirby	Respond to email from J Wurst regarding legal fees being charged to Debtor.	0.2	\$ 350.00	\$ 70.00
2/26/2024	Jessica Hill	Delineate Objections to Billing (0.6); Email to J. Wurst re: Same (0.2); Prepare for Tomorrow's Hearings (0.5); TC Client re: Proposed Legal Fee Offer (0.1)	1.4	\$ 295.00	\$ 413.00
2/27/2024	Jessica Hill	Appear at Hearings on Confirmation, Trustee MTD, MRS (0.6); Email to Client re: CoOp Stipulation (0.1); Review Proposed Stipulation with CoOp (0.2); Emails to/from BOA's Counsel re: Payoff Statement (0.1); Review Payoff received for First Mortgage [SLS] (0.1)	1.1	\$ 295.00	\$ 324.50
2/29/2024	Jessica Hill	Review & Respond to Email from Client re: Stipulation/Payments (0.1); Revise Proposed Stipulation (0.5)	0.6	\$ 295.00	\$ 177.00
3/1/2024	Jessica Hill	Email (0.1) and TCs (0.2)(0.2) to/from Client re: Park Ave & 77th Corp's Stipulation; Revise Proposed Stipulation (0.4) and Proposed Order (0.4); Review Updated COS and Notices filed by Park Ave & 77th (0.2)	1.5	\$ 295.00	\$ 442.50
3/1/2024	Dawn Kirby	Revise stipulation with condo.	0.2	\$ 350.00	\$ 70.00
3/4/2024	Jessica Hill	Email to Counsel for Park Ave & 77th Corp re: Revisions to Proposed Stipulation	0.1	\$ 295.00	\$ 29.50

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Time Runs by Date

Date	User	Description	Quantity	Price	Total
3/5/2024	Jessica Hill	Review March payments to Park Ave & 77th Corp; Review and Respond to Emil from Client re: Same	0.1	\$ 295.00	\$ 29.50
3/12/2024	Jessica Hill	Review Revised Stipulation and Email to Client re: Same	0.3	\$ 295.00	\$ 88.50
3/13/2024	Jessica Hill	Review and Respond to Email from BOA's Counsel re: Payoff Balance of Mortgage (0.1); Email to Client and Broker re: Same and Status of Offer (0.1)	0.2	\$ 295.00	\$ 59.00
3/15/2024	Jessica Hill	Emails to/from J. Wurst re: Stipulation (0.1); Conform and File Proposed Order with Court and Submit to Chambers for Entry (0.3)	0.4	\$ 295.00	\$ 118.00
3/18/2024	Jessica Hill	TC Broker re: Status of Offer (0.1); Confer with Julie re: Co-Debtor language for Proposed Stipulation (0.2); Review Proposed Order (0.2) and Transmit to Park Ave's Counsel (0.1); Emails to/from Client re: Same (0.1); Prepare for Tomorrow's Court Hearing (0.3)	1	\$ 295.00	\$ 295.00
3/19/2024	Jessica Hill	Appear at Hearings on MRS, Confirmation & MTD (0.4); Multiple Emails to/from Client re: Same (0.1); Emails and TC Broker re: Status of Offer/Listing (0.1)	0.6	\$ 295.00	\$ 177.00
3/20/2024	Jessica Hill	Conform and File Revised Stip Resolving Park Ave & 77th Corp's MRS (0.3); Submit same to Court for Entry (0.1); Email to J. Wurst re: Same (0.1)	0.5	\$ 295.00	\$ 147.50
3/22/2024	Jessica Hill	Multiple Emails to/from J. Wurst for Park Ave & 77th Corp re: Proposed Order (0.1); Review & Respond to Email from Counsel for Flushing Bank & Email to Client re: Same (0.1)	0.2	\$ 295.00	\$ 59.00
4/4/2024	Jessica Hill	Emails to/from Client re: Co-op statements	0.1	\$ 295.00	\$ 29.50
4/8/2024	Jessica Hill	Review Emails from Broker with Traffic Reports; Email to Broker re: Status of Contract	0.2	\$ 295.00	\$ 59.00
4/9/2024	Jessica Hill	TC Broker re: Status of Listing (0.1); Email to Client re: Same and Likelihood of MRS Being Granted at Tuesday's Hearing (0.4); Emails to/from Client re: Board Billing Statements (0.1); Email to Board's Counsel re: Same (0.1); TC Client re: Same (0.2)	0.9	\$ 295.00	\$ 265.50
4/16/2024	Jessica Hill	Prepare for (0.5) and Appear at (0.4) Hearings on MRS, Status, Trustee's MTD & Confirmation; Email to Client re: Same (0.1) and Email to Broker re: Same (0.1)	1.1	\$ 295.00	\$ 324.50

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Time Runs by Date

Date	User	Description	Quantity	Price	Total
5/7/2024	Jessica Hill	Email to Broker re: Status Update	0.1	\$ 295.00	\$ 29.50
5/9/2024	Jessica Hill	Email to Clients re: MRS and Tuesday's Hearing	0.2	\$ 295.00	\$ 59.00
5/10/2024	Jessica Hill	Review & Respond to Emails from Client re: Maintenance Payments	0.1	\$ 295.00	\$ 29.50
5/13/2024	Jessica Hill	Review & Respond to Emails from Client re: Maintenance Payments; Email to J. Wurst, Esq. re: Same	0.2	\$ 295.00	\$ 59.00
5/14/2024	Jessica Hill	TC Broker re: Status of Listing (0.1); Prepare for (0.3) and Participate in (0.8) Hearings on MTD, MRS & Confirmation; Email to Client re: Todays Hearing & Next Steps (0.2); Discuss Case Status with Dawn (0.1); TC Broker re: Today's Hearing Outcome (0.1)	1.6	\$ 295.00	\$ 472.00
		Grand Total	49.6		\$ 14,129.50

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Expenses

Date	Type	Discription	Quantity	Price	Total
9/25/2023	Expense entry	Certified Copy (522f Order)	1	\$ 11.00	\$ 11.00
Total			1		\$ 11.00
7/21/2023	Expense entry	On-line Access of Court Records	25	\$ 0.10	\$ 2.50
11/30/2023	Expense entry	On-line Access of Court Records	45	\$ 0.10	\$ 4.50
2/16/2024	Expense entry	On-line Access of Court Records	10	\$ 0.10	\$ 1.00
2/27/2024	Expense entry	On-line Access of Court Records	15	\$ 0.10	\$ 1.50
3/15/2024	Expense entry	On-line Access of Court Records	10	\$ 0.10	\$ 1.00
3/15/2024	Expense entry	On-line Access of Court Records	10	\$ 0.10	\$ 1.00
3/19/2024	Expense entry	On-line Access of Court Records	10	\$ 0.10	\$ 1.00
3/20/2024	Expense entry	On-line Access of Court Records	2	\$ 0.10	\$ 0.20
3/21/2024	Expense entry	On-line Access of Court Records	4	\$ 0.10	\$ 0.40
4/16/2024	Expense entry	On-line Access of Court Records	15	\$ 0.10	\$ 1.50
Total			146		\$ 14.60
7/21/2023	Expense entry	Photocopies	270	\$ 0.10	\$ 27.00
8/31/2023	Expense entry	Photocopies	14	\$ 0.10	\$ 1.40
Total			284		\$ 28.40
7/21/2023	Expense entry	Postage	6	\$ 1.83	\$ 10.98
8/23/2023	Expense entry	Postage	7	\$ 0.63	\$ 4.41
9/26/2023	Expense entry	Postage	1	\$ 0.63	\$ 0.63
9/26/2023	Expense entry	Postage	1	\$ 0.87	\$ 0.87
10/12/2023	Expense entry	Postage	1	\$ 0.63	\$ 0.63
10/12/2023	Expense entry	Postage	1	\$ 0.87	\$ 0.87
11/28/2023	Expense entry	Postage	7	\$ 0.87	\$ 6.09
12/13/2023	Expense entry	Postage	6	\$ 0.63	\$ 3.78
1/23/2024	Expense entry	Postage	8	\$ 2.15	\$ 17.20
Total			38		\$ 45.46
Grand Total					\$ 99.46